

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHERINE GRIFFIN, individually and as
trustee of the Katherine Griffin Living Trust,

Plaintiff,

v.

GOLDMAN, SACHS & CO. and
SOFIA FRANKEL,

Defendants.

x

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: 08 CV 2992 (LMM)

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: ECF CASE

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: **NOTICE OF MOTION TO**

: **DISMISS THE COMPLAINT**

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x

PLEASE TAKE NOTICE that upon the Declaration of Michael J. Dell, sworn to June 3, 2008, and the accompanying memorandum of law, defendants Goldman, Sachs & Co. and Sofia Frankel will move this Court, before the Honorable Lawrence M. McKenna, at the United States Court House, 500 Pearl Street, New York, New York 10007, as soon as counsel may be heard, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), dismissing the complaint with prejudice and granting such other relief as the Court deems just and proper.

Dated: New York, New York
June 3, 2008

KRAMER LEVIN NAFTALIS & FRANKEL LLP

/s/ Michael J. Dell

Michael J. Dell (MD-7714)

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